

Oregon System of Payments Policy for Early Intervention (EI) Services

Oregon uses public and private insurance and benefits to support Early Intervention services. This system of funding is considered to be Oregon's System of Payments for Early Intervention Services. These funds may be used only with the informed consent of parents. Parental consent is documented on the **"Written Notice and Consent for the Use of Public/Private Insurance for Early Intervention/Early Childhood Special Education (EI/ECSE)"**

Activities Provided at Public Expense

Early intervention (EI) activities must be provided at public expense, meaning that no fees may be charged to families by the Oregon EI/ECSE program and/or its contractors and subcontractors including:

1. Implementing the child find requirements in the Individuals with Disabilities Education Act.¹
2. Evaluation and assessment² and the functions related to evaluation and assessment.³
3. Service coordination services.⁴
4. Administrative and coordination activities related to:
 - a. The development, review, and evaluation of Individualized Family Service Plans (IFSPs)⁵; and
 - b. Implementation of the procedural safeguards and the other components of the statewide system of early intervention services.⁶

Use of Public and Private Insurance and Benefits for Early Intervention

Oregon has incorporated the following fund sources into its System of Payments:

1. Public insurance (such as Medicaid); and
2. Private insurance.

Use of Public Insurance (such as Medicaid)

1. Families eligible for Oregon Early Intervention (EI) services will not be required to sign-up for or enroll in public insurance as a condition for their child to receive EI services.⁷
2. EI service providers will obtain consent of the family to use their public insurance such as Medicaid to pay for EI services and any time their child's IFSP services are increased. Public insurance such as Medicaid will not be used if access to public insurance would result in any of the following.⁸
 - a. A decrease in the available lifetime coverage or any other insured benefit for the child or parent;
 - b. The child's parents paying for services that would otherwise be paid for by the public benefits or insurance program;
 - c. Any increase in premiums or cancellation of public benefits or insurance for the child or parents; or
 - d. The loss of eligibility for the child or the child's parents for home and community-based waivers that are based on total health-related costs.
4. EI service providers will provide written notification to public insurance enrolled families for the purpose of informing them that personally identifiable information will be disclosed to public insurance for purposes of billing early intervention services provided to their children.⁹
5. EI service providers will inform families that they have the right to withdraw their consent to the disclosure of personally identifiable information for billing purposes at any time.¹⁰
6. EI service providers will inform families of any potential costs that the family may incur as a result of the use of public insurance.¹¹
7. EI service providers will not pay the cost of premiums for public insurance.

¹ According to 34 CFR §§303.301 through 303

² According to 34 CFR §303.321

³ According to 34 CFR §303.321

⁴ As defined in 34 CFR §303.34

⁵ According to 34 CFR §§303.342 through 345

⁶ According to 34 CFR §§303.400 through 421

⁷ According to 34 CFR §303.520(a)(2)(i)

⁸ According to 34 CFR §303.520(a)(2)(ii)

⁹ According to 34 CFR §303.414 and §303.520(a)(3)(i), EI

¹⁰ According to 34 CFR §303.520(a)(3)(iii)

¹¹ According to 34 CFR §303.520(a)(3)(iv)

8. If the parent does not provide consent to enroll in or access public insurance, EI service providers must still make available EI services on the IFSP to which the parent has provided consent.¹²

Use of Private Insurance

1. EI service providers will obtain parental consent for¹³:
 - a. The use of the family's private insurance to pay for the initial provision of early intervention services contained on the IFSP; and
 - b. The use of private insurance to pay for any increase in frequency, length, duration or intensity of services in the child's IFSP.
2. The use of private insurance will not be used if its use for EI services will result in any of the following¹⁴:
 - a. Count towards or result in a loss of benefits due to the annual or lifetime insurance coverage caps, to the parent or the child's family members who are covered by the policy; or
 - b. Negatively affect the availability of insurance to the child, the parent, or the child's family members who are covered under the insurance policy, and insurance coverage may not be discontinued for these individuals due to the use of the insurance to pay for services; or
 - c. Be the basis for increasing insurance premiums of the child, parent, or the child's family members covered under the insurance policy.
3. EI service providers will not pay the cost of premiums for private insurance.
4. If a parent or family of an eligible infant or toddler with a disability does not provide consent to access their private insurance, the lack of consent may not be used to delay or deny any EI service to that child or family.

Family Costs Related to Public and Private Insurance

1. Oregon defines "inability to pay"¹⁵ as any circumstance in which the family expresses the inability to pay, including co-payments or deductibles. EI service providers will use EI funds (IDEA, Part C funds, state general fund or other funds) to pay a family's co-payments or deductibles related to EI/ECSE services, after their inability to pay has been established.
2. The inability of parents to pay for services will not result in a delay or denial of EI services to the child or the child's family.¹⁶
3. Families will not be charged a fee, other than those associated with billing private and public insurance, for EI services.¹⁷
4. Families with public or private insurance will not be charged disproportionately more than families who do not have public or private insurance.¹⁸

Procedural Safeguards Requirements

1. EI service providers will provide prior written notice to parents of their procedural safeguards related to the imposition of fees or the EI service provider's determination of the parent's ability to pay.¹⁹
2. A parent who wishes to contest a fee or the determination of a parent's ability to pay has the right to:
 - a. Participate in mediation²⁰;
 - b. Request a due process hearing²¹;
 - c. File a state level complaint²²; and/or
 - d. Any other procedure established by the state to speed resolution of financial claims.
3. EI service providers will provide a written copy of its System of Payment Policy to parents when their consent for provision of early intervention services is requested.²³

¹² According to 34 CFR §303.520(a)(2)(iii)

¹³ According to 34 CFR §303.520(b)(1)

¹⁴ According to 34 CFR §303.520(b)(2)(i)

¹⁵ According to 34 CFR §303.521(a)

¹⁶ According to 34 CFR §303.521(a)(4)

¹⁷ According to 34 CFR §303.521(a)(4)

¹⁸ According to 34 CFR §303.521(a)(4)

¹⁹ According to 34 CFR §303.521(e)

²⁰ According to 34 CFR §303.431

²¹ Under 34 CFR §303.436 or 441

²² Under 34 CFR §303.434

²³ According to 34 CFR §303.521(e)(2)(i)